BILL NO. S-86-10-02

SPECIAL ORDINANCE NO. S-166-86

AN ORDINANCE AUTHORIZING THE ISSUANCE OF $3,520,000.00 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF MAKING NEIGHBORHOOD PUBLIC IMPROVEMENTS (MUNICIPAL BONDS OF 1986-PHASE II); PROVIDING FOR THE DESIGNATION OF A BOND REGISTRAR, TRANSFER AGENT, PAYING AGENT AND INVESTMENT AGENT; AND APPROVING AND AUTHORIZING OTHER ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the City of Fort Wayne, Indiana, is a municipal corporation and political subdivision of the State of Indiana, and by virtue of the laws of the State of Indiana, including Indiana Code, Title 36, Article 4, Chapter 6, Section 19, is authorized and empowered to make loans of money for any proper governmental purpose and to provide for the repayment of said loans by the issuance of General Obligation Bonds, subject to the provisions of Indiana law, including Indiana Code, Title 6, Article 1.1, Chapter 20 (the "Act"); and

WHEREAS, a petition signed by more than fifty (50) owners of real property subject to taxation and located in the City of Fort Wayne, Indiana, and certified by the Allen County Auditor has been filed with this Common Council has provided for in Section 3 of the Act, requesting this Council to authorize the issuance of the City of Fort Wayne, Indiana, Municipal Bonds of 1986 in an amount not to exceed $8,000,000 for the purpose of financing the costs of construction, reconstruction, and repair of certain streets, thoroughfares, and sidewalks in said City, installation of street lights and for such other public improvements as determined by the Board of Public Works and Safety of the City of Fort Wayne, Indiana, together with all the expenses necessarily incurred in connection with the issuance of said Bonds; and

WHEREAS, in response to said Petition, and in accordance with law, this Council adopted on the 25th day of March, 1986,

Special Ordinance No. S-44-86 authorizing the issuance of $8,000,000 in aggregate principal amount of General Obligation Bonds of the City of Fort Wayne; and

WHEREAS, it was subsequently determined that the public improvements contemplated to be financed through the issuance of said Bonds should be undertaken in two or more phases; and

WHEREAS, this Council adopted on the 5th day of August, 1986, Sepcial Ordinance No. S-44-86 and authorized the issuance of $4,480,000 in aggregate principal amount of General Obligation Bonds of the City of Fort Wayne; and

WHEREAS, it is now the intent of this Council to authorize the issuance of the balance of the General Obligation Bonds initially petitioned for by the issuance of $3,520,000 of the City of Fort Wayne Municipal Bonds of 1986 - Phase II.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Fort Wayne, Indiana:

Section 1. The City of Fort Wayne, Indiana shall issue its General Obligation Bonds in the aggregate principal amount of $3,520,000, said Bonds to be designated City of Fort Wayne, Indiana, Municipal Bonds of 1986-Phase II. Said Bonds shall be fully registered bonds, shall be issued in denominations of $5,000 or any integral multiple thereof, shall be dated as of the first day of the month in which the Bonds are sold, and shall bear interest at a rate or rates not exceeding nine (9) percent per annum, the exact rate or rates to be determined by the public sale of said Bonds as authorized and directed by law. Interest on the Bonds will be payable semi-annually on January 1 and July 1 of each year, beginning July 1, 1987. Said Bonds shall mature on January 1 of the years and in the amounts as listed below:

YEAR	AMOUNT
1988	$235,000
1989	$260,000
1990	$285,000
1991	$305,000
1992	$330,000
1993	$355,000
1994	$385,000
1995	$415,000
1996	$445,000
1997	$505,000

Bonds maturing on January 1, 1995, and thereafter are redeemable at the election of the City, in inverse order of maturities, on July 1, 1994, or on any interest payment date thereafter, subject to a redemption premium of three (3) percent.

The principal, premium if any, and interest on the Bonds shall be paid by check or draft, mailed or delivered to the registered holder thereof at his address as it appears on the registration books maintained by the City's Bond Registrar, except for the final payment which shall be made upon presentation of the Bonds at the corporate trust office of said Bond Registrar.

Section 2. Said Bonds shall be executed by the facsimile signature of the Mayor and attested by the facsimile signature of the City Comptroller and the Clerk who shall affix the Seal of the City thereto. The Bond Registrar shall manually authenticate each Bond with the signature of its designated authorized representative.

Section 3. The Mayor is hereby authorized to designate a Bond Registrar, Transfer Agent, and Paying Agent for the Bonds and is further authorized to enter into an Agreement with said Bond Registrar, Transfer Agent, and Paying Agent, as is customary in the Industry, said Agreement to be subject to the approval of the City Attorney.

Section 4. The Mayor is also authorized to designate an Investment Agent for the purpose of investing the proceeds of the Bonds which Investment Agent may be one and the same entity as

the Bond Registrar, Transfer Agent, and Paying Agent. The Mayor is further authorized to enter into an Agreement with said Investment Agent, as is customary in the industry, said Agreement to be subject to the approval of the City Attorney, provided, however, that such Agreement shall provide that the total amount of proceeds to be invested pursuant to said Agreement shall be invested and reinvested at a yield (calculated in a manner consonant with Section 103(c) of the Internal Revenue Code of 1954 or any successor provisions as contained in the Internal Revenue Code of 1986, and the regulations proposed and promulgated thereunder, particularly Section 1.103-13(c) thereof) not exceeding the yield (calculated in such manner) on the Bonds. Any investments acquired with the proceeds of the Bonds (i) shall be purchased at prevailing market prices and shall be limited to securities for which there is an established market or (ii) shall be U. S. Treasury Obligations, State and Local Government Series. The aforementioned Investment Agreement must further provide that the Investment Agent covenants that at any time that it has discretion as to the investment of Bond proceeds, it will not use or invest the proceeds in any manner which will cause the Bonds to become Arbitrage Bonds within the meaning of Section 103(c) of the Internal Revenue Code of 1954, or any successor provisions of the Internal Revenue Code of 1986.

Section 5. Said Bonds shall be advertised for public sale and sold in the manner provided by law, said sale to be held as soon as practicable after all approvals are obtained. The proceeds from the sale of said Bonds, except the premium and/or accrued interest received, shall be paid into the proper fund and used for the purposes aforesaid and for no other purposes. The premium and accrued interest, if any, shall be applied to the payment of the principal of an interest of said Bonds in the manner provided by law.

Section 6. Said Bonds shall be the full general obligations of the City of Fort Wayne, Indiana, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. During the period said Bonds remain unpaid and outstanding, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, but within aplicable limitations, direct tax annually in an amount sufficient to pay the principal of, premium, if any, and interest on said Bonds when and as same fall due.

Said tax shall be and is hereby ordered levied and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of said years are collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, to be known as the "City of Fort Wayne 1986 Municipal Bond - Phase II Fund", which, together with all interest collected on the same shall be irrevocably pledged for the payment of the principal of and interest on said Bonds when and as the same fall due, all as provided by law.

Section 7. This Common Council, for and on behalf of the City of Fort Wayne, Indiana, hereby covenants that it will restrict use of the proceeds of the Bonds hereby authorized in such a manner and to such an extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Bonds are issued, so that they will not constitute "arbitrage bonds" under Section 103(c) of the Internal Revenue Code of 1954 or any successor provisions of the Internal Revenue Code of 1986, and the regulations prescribed thereunder. This Common Council hereby authorizes the Mayor, the Controller, or such other proper officer of the City to take all action necessary to assure compliance with all applicable tax provisions so that the Bonds

issued herein will not constitute "arbitrage bonds" or will not loose their tax-exempt status. The Mayor or Controller or the proper officer having responsibility with respect to the issuance of said Bonds is authorized and directed to give an appropriate Certificate or Certificates on behalf of the City on the date of delivery of said Bonds for inclusion of the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to use of the proceeds of said Bonds and their compliance with the provisions of Section 103(c) of the Internal Revenue Code of 1954 or any successor provisions of the Internal Revenue Code of 1986, and the regulations promulgated thereunder.

Section 8. It is hereby found and determined that all formal actions of this Common Council concerning and relating to the adoption of this Ordinance were adopted in Open Meetings of this Council and any of its committees, which meetings were held in compliance with all legal requirements including Indiana Code Title Five, Article 14, Chapter 1.5.

SECTION 9. This Ordinance shall be effective from and after passage and approval by the Mayor.

COUNCILMAN

APPROVED AS TO FORM AND LEGALITY

Bruce O. Boxberger, City Attorney

Dated this 6th day of October, 1986

Read the first time in full and on motion by Gia Quinta, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock ____.M.,E.S.

DATE: 10-7-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Gia Quinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	8			1	
BRADBURY	✓				
BURNS	✓				
EISBART	✓				
GiaQUINTA	✓				
HENRY				✓	
REDD	✓				
SCHMIDT	✓				
STIER	✓				
TALARICO	✓				

DATE: 10-21-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (APPROPRIATION) (GENERAL) (SPECIAL) (~~ZONING MAP~~) ORDINANCE (~~RESOLUTION~~) NO. S-166-86 on the 21st day of October, 19 86,

ATTEST: (SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 22nd day of October, 19 86, at the hour of 9:30 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 22 day of October, 19 86, at the hour of 10:30 o'clock A.M.,E.S.T.

WIN MOSES, JR., MAYOR

BILL NO. S-86-10-02

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN (ORDINANCE) (~~RESOLUTION~~) AUTHORIZING THE ISSUANCE OF $3,500,000.00 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF MAKING NEIGHBORHOOD PUBLIC IMPROVEMENTS (MUNICIPAL BONDS OF 1986 - PHASE II): PROVIDNG FOR THE DESIGNATION OF A BOND REGISTRAR, TRANSFER AGENT, PAYING AGENT AND INVESTMENT AGENT: AND APPROVING AND AUTHORIZING OTHER ACTIONS IN CONNECTION THEREWITH

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (~~RESOLUTION~~)

YES		NO
Mark E. GiaQuinta	MARK E. GiaQUINTA CHAIRMAN	
Charles B. Redd	CHARLES B. REDD VICE CHAIRMAN	
Paul M. Burns	PAUL M. BURNS	
Janet G. Bradbury	JANET G. BRADBURY	
James S. Stier	JAMES S. STIER	

CONCURRED IN 10-21-86

SANDRA E. KENNEDY
CITY CLERK